

Department of Health
Notice of Rulemaking Hearing
Board of Chiropractic Examiners
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Chiropractic Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-4-101, 63-4-106, and 63-4-114. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 5th Fifth Avenue North, Nashville, TN at 9:30 a.m. (CDT) on the 18th day of October, 2005.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 0260-2-.02 Scope of Practice, is amended by adding the following language as new paragraph (4):

- (4) Clinical acupuncture – The purpose of this rule is to establish the parameters for a chiropractic physician to perform clinical acupuncture within his/her scope of practice, to distinguish between clinical acupuncture and traditional Chinese medicine, and to establish the requirements for certification to perform clinical acupuncture.
 - (a) Clinical acupuncture is defined as the practice of applying therapeutic procedures and modalities to patients based upon contemporary principles of meridian therapy and clinical physiological methodology.

- (b) Before clinical acupuncture is administered, a chiropractic diagnosis, based upon the principles of western medicine, is necessary to properly establish the indications and contraindications.
- (c) The purpose of the treatment is to address the diagnosed condition by modulating neurological function, causing the release of enkephalins, endorphins and tissue response and not by the dispersion of stagnant energy or by moving qi or energy.
- (d) Any chiropractic licensee or applicant intending to practice clinical acupuncture must hold a certification issued by the Board authorizing such practice. To be eligible for the certification the licensee or applicant must comply with the following:
 - 1. Cause to be submitted directly from the educational institution to the Board's administrative office, proof of successful completion of a Board-approved clinical acupuncture training course of at least one hundred (100) hours which must include training in clean needle technique, and
 - 2. Cause to be submitted directly from the National Board of Chiropractic Examiners to the Board's administrative office, proof of successful completion of its National Acupuncture Board Examination; and
 - 3. Submit the Clinical Acupuncture Certification Fee, as provided in Rule 0260-2-.06.
- (e) Upon certification by the Board, a chiropractor may perform clinical acupuncture as part of the chiropractic modalities, but may not hold himself/herself out as an acupuncturist.
- (f) Licensees who advertise the availability of clinical acupuncture services shall include the term "clinical acupuncture" in the advertisement unless the licensee or the licensee's employee is certified pursuant to T.C.A. §§ 63-6-1001, et seq., as an acupuncturist.
- (g) Performing clinical acupuncture without certification or performing clinical acupuncture beyond the scope of this rule shall constitute unprofessional conduct and subject the licensee to disciplinary action.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-101 63-4-106, and 63-4-114.

Rule 0260-2-.06 Fees, is amended by adding the following adding the following language as new subparagraph (1) (g) and is further amended by adding the following language as

new subparagraph (4) (g) and renumbering the present subparagraph (4) (g) as (4) (h), so that as amended, the new subparagraphs (1) (g) and (4) (g) shall read:

(1) (g) Clinical Acupuncture Certification fee - To be paid by all individuals at the time application for certification in clinical acupuncture is requested.

(4) (g) Clinical Acupuncture Certification \$ 25.00

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-101, and 63-4-106.

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Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First

Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board of Chiropractic Examiners.

Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 30th day of August, 2005.

Notary Public

My commission expires on the 25th day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2005.

Riley C. Darnell
Secretary of State

By: _____